

**IN THE HIGH OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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FRIDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND SSEVEN

-

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.11702 of 2007

Between:

Bandi Srinivasa Rao
Petitioner

...

Versus

The District Collector,
Prakasam District & Ors.

... Respondents

Counsel for the Petitioner:

Sri I. KOTI REDDY

Counsel for the Respondents:

GP for Civil Supplies

**THE HONOURABLE SRI JUSTICE
P. S. NARAYANA**

WP.NO.11702 of 2007

ORDER

Heard Sri I. Koti Reddy, the counsel representing the writ petitioner and the learned Assistant Government Pleader for Civil Supplies representing the respondents 1 to 3.

2. The third respondent-Revenue Divisional Officer, Ongole, is not completing the enquiry at all for sufficiently a long time and the delay is being caused deliberately. The learned counsel had also taken this court through the averments made in the affidavit filed in support of the writ petition.

3. On the Contrary, the learned Assistant Government Pleader for Civil Supplies would maintain that the records are available and the records would go to show that several notices had been issued to the petitioner and because of the non - co-operation on the part of the petitioner, the enquiry could not be completed.

3. Be that as it may, in the light of the facts and circumstances well-explained, this court is of the considered opinion that the writ petition to be disposed of at the stage of admission.

4. The present writ petition is filed to declare the proceedings in RC.C/4357/2005 DATED 15-4-2005 issued by the third

respondent and consequential order dated 15-9-2005 and 06-1-2007 passed by the second and first respondents respectively as illegal, arbitrary and unconstitutional and against the principles of natural justice and contrary to the provisions of Essential Commodities Act and to pass such other suitable orders in the interest of justice.

5. It is stated that for the last seven years the petitioner has been running the fair price shop without any complaint. It is also stated that on 24-3-2005 the third respondent issued show cause notice. On 04-4-2005 the petitioner submitted explanation to the third respondent. It is also stated that on 15-4-2005 the third respondent suspended the authorization of the petitioner. Aggrieved by the order dated 15-4-2005, the petitioner filed an appeal before the second respondent. On 15-9-2005 the second respondent dismissed the appeal. On 06-1-2007 the first respondent disposed of the revision directing the third respondent to complete the enquiry within thirty days. On 30-4-2007 the petitioner filed an application before the third respondent praying to release the essential commodities to him for distribution of the

same to the card holders, as the enquiry was not completed.

6. In the light of the respective contentions of the parties, the fact that the enquiry had not been completed, this fact is not in serious controversy. The delay, which is being caused, it is stated by the writ petitioner that the delay is due to inaction on the part of the third respondent and on the contrary the learned Assistant Government Pleader for Civil Supplies would submit that the delay is because of non – co-operation on the part of the petitioner. This Court is not inclined to express any further opinion. But however, in the light of the events, which had been well-explained since the third respondent is bound to complete the enquiry at an early date, the third respondent is hereby directed to complete the enquiry within a period of two weeks from the date of receipt of a copy of this order. It is also needless to say that the petitioner to co-operate with the third respondent to enable him to complete the enquiry in the light of the submissions made by the learned Assistant Government Pleader for Civil Supplies before this Court.

7. Accordingly, with the above direction, the writ petition is disposed of at the admission stage. No costs.

JUSTICE P . S.

NARAYANA .

07 / 9 / 2007

NB: Issue CC positively by 10/9/2007.

B/o. IsL